The Facebook, Inc. v. Connectu, LLC et al
Doc. 245 Att. 5

EXHIBIT E

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU INC, (formerly known as CONNECTU LLC), ET AL.,

Defendants.

CASE NO. C 07-01389 RS

DEFENDANT WINSTON WILLIAMS' RESPONSE TO PLAINTIFF FACEBOOK, INC.'S "FIRST SET" [sic] OF INTERROGATORIES

PROPOUNDING PARTY: **Plaintiff FACEBOOK, INC.**

RESPONDING PARTY: **Defendant WINSTON WILLIAMS**

SET NO.: **ONE (Nos. 1-3) [sic]**

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant, Winston Williams ("WILLIAMS"), hereby responds and objects to what was served on November 7, 2007, as the First Set of Interrogatories, but in fact was the Second Set of Interrogatories propounded to this Responding Party, as follows:

GENERAL OBJECTIONS

1. Responding party objects to each interrogatory and to the definitions and instructions to the extent they seek to impose obligations that are broader than or inconsistent with the Federal Rules of Civil Procedure, and the Civil Local Rules.

2. Responding party objects to each interrogatory, and to the definitions and instructions to the extent they seek the disclosure of information protected by the attorney-client privilege, attorney work-product doctrine, or any other applicable privilege or protection, as provided by any applicable law. Responding party does not intend to provide such privileged information, and the inadvertent disclosure of such is not to be deemed a waiver of any privilege. Responding party expressly reserves the right to object to the introduction at trial or any other use of such information that may be inadvertently disclosed. In addition, Responding party objects to the interrogatories and all definitions and instructions to the extent they seek and/or require Responding party to produce a privilege log for documents or information falling within the attorney-client privilege or work-product doctrine, if such documents or information were created after the date that this lawsuit was filed.

3. Responding party objects to each interrogatory and all other definitions and instructions to the extent they are vague, overly broad, unduly burdensome, exceed the boundaries of

discoverable information, or fail to describe the information sought with the required reasonable particularity.

4. Responding party objects to each interrogatory and all definitions and instructions to the extent the burden or expense of the proposed discovery outweighs its likely benefit, given the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues.

5. Responding party objects to each interrogatory and all other definitions and instructions to the extent they seek information that is confidential financial, proprietary, trade secret or that they seek other confidential or competitively sensitive business information relating to Responding party or any third party. Responding party reserves the right to object that certain information is so confidential and sensitive that it will not be produced even pursuant to a protective order.

6. Responding party objects to each interrogatory and all definitions and instructions to the extent they seek information not in Responding Party's custody or control.

7. Responding party objects to the interrogatory and all other definitions and instructions to the extent they seek information that is beyond the scope of this litigation, is not relevant, or that falls outside the parameters of discoverable information under the Federal Rules or the Civil Local Rules.

8. Responding party has not yet completed its investigation, collection of information, discovery, and analysis relating to this action. The following response is based on information known and available to Responding party at this time. Responding party reserves the right to modify, change, or supplement its response and to produce additional evidence at trial.

9. Responding party's agreement to furnish information in response to Plaintiff's interrogatories shall not be deemed as an admission regarding the relevance of the requested information, nor is it intended to waive any right to object the admissibility of such at trial.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

1. Responding party objects to all definitions to the extent they impose burdens on responding different or greater than those provided in the Federal Rules of Civil Procedure and the Civil Local Rules.

2. Responding party objects to all definitions to the extent that they are burdensome, oppressive and unnecessary.

3. Responding party objects to the definition of "CONNECTU" as overly oppressive, burdensome, and effectively creating a subpart, compound and/or complex interrogatory. When the word "CONNECTU" is used in an interrogatory, Responding party shall assume it means only the limited liability company entitled ConnectU L.L.C.

4. Responding party objects to the definition of "Facebook" as vague, uncertain, overbroad and unintelligible. When the word Facebook is used in an interrogatory, Responding party shall assume it means only Facebook, Inc., one of the plaintiffs in this action.

5. Responding party objects to the phrase "Pacific Northwest Software" as uncertain, overbroad and unintelligible. When the phrase "Pacific Northwest Software" is used in an interrogatory, Responding party will assume it means the entity incorporated as Pacific Northwest Software, Inc.

6. Responding party objects to the phrase "Facebook Users" as vague and unintelligible. Responding party has no knowledge as to which individuals may have subscribed to any service offered by Facebook, Inc.

7. Responding party objects to the phrase "User Accounts," as defined because this phrase is overbroad and, to the extent this phrase is used as so defined, would expand a single interrogatory into a compound and complex interrogatory, and one containing subparts, in violation of the Federal Rules of Civil Procedure. Further to the extent this phrase is used in an interrogatory, by defining said phrase through at least 19 separate documents, responding to any such interrogatory would be oppressive, confusing and uncertain.

8. Responding party objects to the definition of "Defendant" as this definition is inconsistent with the Court's Order Dismissing Cameron Winklevoss, Tyler Winklevoss and Divya Narendra from this action.

9. Responding party objects to the word "Any" as defined, as such a definition would make any interrogatory that uses this word vague, compound, complex and effectively cause each interrogatory to contain subparts, in violation of the Federal Rules of Civil Procedure.

RESPONSES AND OBJECTIONS

INTERROGATORY NO. 1 - Renumbered No. 5:

Identify all FACEBOOK USER ACCOUNTS and passwords used for or on behalf of CONNECTU by any DEFENDANT to access the FACEBOOK website and collect, download or otherwise copy email addresses from the FACEBOOK website. "Identify," as used in this interrogatory, means include, without limitation, a list of all FACEBOOK USER ACCOUNTS YOU used, identification of all documents and communications that summarize, describe or refer to the activities related to any USER ACCOUNTS, and all electronic storage devices where such USER ACCOUNTS were maintained and/or stored.

RESPONSE TO INTERROGATORY NO. 5:

Responding party incorporates the General Objections and the Objections to the Instructions and Definitions into this response. In addition, Responding party objects to this Interrogatory as vague, over broad, compound and complex. This interrogatory itself comprises multiple subparts, in violation of the Federal Rules of Civil Procedure. The interrogatory as phrased is unintelligible at least for the following reasons: (a) The phrase "Facebook User Accounts" is not defined. The definitions do provide a definition of "User Accounts," however because the Interrogatory refers to "Facebook User Accounts" it is unclear what is meant by this phrase. Responding party is willing to meet and confer with Facebook to allow Facebook to clarify this problem with this Interrogatory; (b) If "Facebook User Accounts" refers to activities effected by individuals who are, according to the supplied definition of "Facebook Users," "registered subscribers to Facebook's website," Responding party has no way of knowing who is a "registered subscriber" to Facebook's website.

With this interpretation, this Interrogatory assumes facts not in evidence. Responding party is willing to meet and confer with Facebook to allow Facebook to clarify this problem with this Interrogatory.

INTERROGATORY NO. 2 - Renumbered No. 6:

For each FACEBOOK USER ACCOUNT and password identified by you in response to Interrogatory No. 1, identify who registered on behalf of CONNECTU or provided the log-in credentials and password for use by or on behalf of CONNECTU (*i.e.*, "Mark Hall for mjhall@fas.harvard.edu and the password 'hallmark'" or Cameron Winklevoss registered a Facebook account under the address god@harvard.edu with the password 'cameron' for use by ConnectU'), and everyone at CONNECTU to whom the log-in credentials and passwords were given (*i.e.*, "Cameron Winklevoss received the log-in email address mjhall@fax.harvard.edu from Mark Hall along with the password 'hallmark,' which address and password were then also given to Tyler Winklevoss, Divya Narendra, Wayne Chang, Winston Williams and David Gucwa to use on behalf of ConnectU").

RESPONSE TO INTERROGATORY NO. 6:

Responding party incorporates the General Objections and the Objections to the Instructions and Definitions into this response. In addition, Responding party objects to this Interrogatory as vague, over broad, compound and complex. This interrogatory itself comprises multiple subparts, in violation of the Federal Rules of Civil Procedure. The interrogatory as phrased is unintelligible at least for the following reasons: (a) The phrase "Facebook User Accounts" is not defined. The definitions do provide a definition of "User Accounts," however because the Interrogatory refers to "Facebook User Accounts" it is unclear what is meant by this phrase. Responding party is willing to meet and confer with Facebook to allow Facebook to clarify this problem with this Interrogatory; (b) If "Facebook User Accounts" refers to activities effected by individuals who are, according to the supplied definition of "Facebook Users," "registered subscribers to Facebook's website," Responding party has no way of knowing who is a "registered subscriber" to Facebook's website. With this interpretation, this Interrogatory assumes facts not in evidence. Responding party is willing to meet and confer with Facebook to allow Facebook to clarify this problem with this Interrogatory; (c) This Interrogatory includes quotes to documents, but fails to provide the source or basis for these quotes. Responding party is willing to meet and confer with Facebook so that Facebook can at least provide the source of these purported quotes that will enable Responding party to better understand this Interrogatory.

INTERROGATORY NO. 3 - Renumbered No. 7:

Identify the number of emails sent by or on behalf of CONNECTU to any FACEBOOK USER using either a false email address, or an email address in which the message was generated by CONNECTU, in order to invite FACEBOOK USERS to join CONNECTU, as well as the identities of all such email addresses used to invite FACEBOOK USERS to join CONNECTU (*i.e.*, "7,000,000 emails were sent to FACEBOOK USERS by or on behalf of ConnectU, using the following email addresses: god@harvard.edu, jstarr@georgetown.edu, jstarr@amhurst.edu, jastarr@dartmouth.edu, mjhall@fas.harvard.edu, etc."). "Identify" in this interrogatory means include the number of emails sent, a list of the senders of each email, a list of the owner of each sender's email address, and the location (including IP address and URL) of all servers on which such emails are or were sent and/or stored.

RESPONSE TO INTERROGATORY NO. 7:

Responding party incorporates the General Objections and the Objections to the Instructions and Definitions into this response. In addition, Responding party objects to this Interrogatory as vague, over broad, compound and complex. This interrogatory itself comprises multiple subparts, in violation of the Federal Rules of Civil Procedure. The interrogatory as phrased is unintelligible at least for the following reasons: (a) The phrase "Facebook User" presumptively means a "registered subscriber to Facebook's website." However, Responding party has no way of knowing who is a "registered subscriber[]" to Facebook's website. With this interpretation, this Interrogatory assumes facts not in evidence. Responding party is willing to meet and confer with Facebook to allow Facebook to clarify this problem with this Interrogatory; (b) This Interrogatory includes quotes to documents, but fails to provide the source or basis for these quotes. Responding party is willing to meet and confer with Facebook so that Facebook can at least provide the source of these purported quotes that will enable Responding party to better understand this Interrogatory.

As to Objections:

Dated: December 10, 2007

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

By: [signature]
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC., and MARK ZUCKERMAN, Plaintiffs, v. CONNECTU LLC, (now known as CONNECTU INC.), ET AL., Defendants.	CASE NO. 5:07-CV-01389-RS **CERTIFICATE OF SERVICE**

CERTIFICATE OF SERVICE

I am a citizen of the United States, over the age of 18 years, and not a party to this action. My place of employment and business address is Finnegan, Henderson, Farabow, Garrett, & Dunner, L.L.P., 3300 Hillview Avenue, Palo Alto, California 94304. On December 10, 2007, I caused a copy of the following document to be served:

- **DEFENDANT CONNECTU'S RESPONSE TO PLAINTIFF FACEBOOK, INC.'S "FIRST SET" [sic] OF INTERROGATORIES**
- **DEFENDANT PACIFIC NORTHWEST SOFTWARE, INC'S RESPONSE TO PLAINTIFF FACEBOOK, INC.'S "FIRST SET" [sic] OF INTERROGATORIES**
- **DEFENDANT WAYNE CHANG'S RESPONSE TO PLAINTIFF FACEBOOK, INC.'S FIRST SET OF INTERROGATORIES**
- **DEFENDANT WINSTON WILLIAMS' RESPONSE TO PLAINTIFF FACEBOOK, INC.'S "FIRST SET" [sic] OF INTERROGATORIES**

on all parties as follows:

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☒ Via First Class Mail
☐ Via Hand Delivery
☐ Via Overnight Courier
☐ Via Facsimile
☐ Via Email

I am readily familiar with my firm's practice for collection, processing correspondence, and sending documents via the United States Postal Service in the ordinary course of business. I sent said document on December 10, 2007 consistent with ordinary business practice.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on December 10, 2007, at Palo Alto, California.

[signature]
Randal J. Holderfield